IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 23330 of 2007(B)

PETITIONER:

FINISH K.THOMAS,
KSBC FL-143, PIRAVOM.

BY ADV. SRI.MATHAI VARKEY MUTHIRENTHY

RESPONDENTS:

KERALA STATE BEVERAGES CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
SASTHAMANGALAM, THIRUVANANTHAPURAM.

BY ADV. SRI.MILLU DANDAPANI, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

V.GIRI, J.

.....

W.P.(C) No.23330 of 2007

.....

Dated this the 15th day of October, 2007.

JUDGMENT

The petitioner's claim is that he was a daily wage labourer in the Kerala State Beverages Corporation outlet FL1-143 Piravom for the period from 29.10.2001 to 5.1.2006. According to him, he went on leave for sometime and when he returned, he was denied work by the Manager in the shop. The petitioner filed Exts.P1 and P2 representations seeking a re-engagement in service.

2. A statement has been filed by the Beverages Corporation pointing out that a Division Bench of this court in O.P. No.21971/2002 and connected cases directed that there shall be no further engagement of persons on a daily wage basis and that if at all it is necessary, only persons sponsored by the Employment Exchange must be taken. The posts as such have been directed to be reported to the Public Service Commission. Learned counsel for the Corporation submits that in compliance with the directions of the Division Bench, 676 posts have already been reported to the PSC.

3. The petitioner has no right to compell the Corporation to re-engage

him nor can the petitioner claim regularisation, in the light of the law laid down by the Constitution Bench in SECRETARY, STATE OF KARNATAKA V. UMADEVI (2006(4) SCC 1) as also the directions issued by the Division Bench in O.P. No.21971/2002 and connected cases. For all these reasons, I find no merit in the Writ Petition. The same is dismissed.

V.GIRI
Judge

pms